

## REMARKS

We are in receipt in of the Office Action dated, April 27, 2004, and the above amendment and following remarks are made in light thereof.

Claims 1-4, 6-9, 12, 14-17, 19-22, 24 and 25 are pending in the application. Pursuant to the Office Action, Claims 1-4, 6-9, 14-17 and 19-22 are allowed, which Applicant gratefully acknowledges. Claims 11, 12, 24 and 25 are rejected. Claims 11 and 12 are rejected under 35 USC §103 as being unpatentable over Miyasaka et al.; Claims 24 and 25 are rejected under 35 USC §103 as being unpatentable over Miyasaka et al., in further in view of Johnson. Additionally, Claim 24 is objected to for the phrase “fourth gate electrode” being unclear.

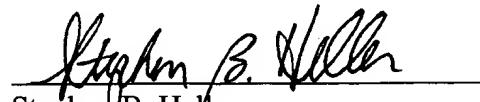
By the foregoing Amendment, Claims 11 and 24 now recite the limitation that the “second gate electrode comprises a different material from [the] first gate electrode,” and that the “fourth gate electrode comprises a different material from [the] third gate electrode.” This limitation is cited in the allowed claims, and Miyaska et al. do not disclose or suggest this feature. Accordingly, Applicant submits that Claims 11 and 24 are now patentable over the cited art. Claims 12 and 25, being dependent from Claims 11 and 24, respectively, are allowable for at least the same reasons as Claims 11 and 24.

Based upon the foregoing, Applicant respectfully submits that the application is now in condition for allowance, and an early Office Action in this regard is earnestly solicited.

If any fee is due for this amendment, please charge our deposition account 50/1039.

Respectfully submitted,

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